

APPROVED: Meeting No. 38-83

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 36-83

November 14, 1983

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, November 14, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. Last Thursday, the Graphic Arts class at Montgomery College presented to the Rockville Seniors, Inc., a proposed interior graphics and decorating plan for the Senior Citizens Center lounge, bus waiting area and lobby. The designs were very impressive. RSI will now try to develop a set of priorities and method for financing their implementation.

2. Twenty-two arson or arson attempts have been reported to police between September 1 and November 10 in the City. Eight of these occurred in Twinbrook, six around Southlawn, Taft and Gude Drive. After two attacks on the same car in Twinbrook, the Neighborhood Watch network alerted police to the matter and patrol patterns of both City and County police were adjusted to provide greater coverage. This led to the identification of two suspects who are the object of the continuing investigation.

3. PEPCO accelerated their normal three month conversion schedule and already have converted five street lights on Lenmore Avenue to high pressure sodium vapor.

4. One of the City's interns, Faye Outlaw, from Howard University, is this years recipient of the \$1,000 Ann Settles internship stipends sponsored by the ICMA foundation.

5. The City's weather service has reported that there is a fair chance of sleet in the morning between 5 and 8 a.m.

6. The State Highway Administration has let a contract for installing a traffic signal at Route 355 and North Campus Drive. The signal should be in place by March 4.

The Mayor and Council complimented the students at the College on their submission to the Senior Center. Mayor Freeland asked if the students would be executing the design. The City Manager said that has not yet been decided. Mayor Freeland suggested the students be given the opportunity to do so if they wish.

Mayor Freeland said he testified last Thursday at the hearing on the Gaithersburg Vicinity Plan. His testimony brought many questions from the Council. Since the City suggested that the Council defer action and go for a time-phased implementation, the Council responded and seemed interested with a six-month cooperative agreement which would find the three municipalities and the County working together on a technical basis, not on a policy basis.

Councilman Abrams said he and Councilmembers Hovsepian and Duncan attended a meeting with the legislative delegation from District 17 and discussed Metro, the ICC and MXPB being linked to ICC. Three of the four members of the delegation support the City. It would be a good time for the Council to begin working with the fourth member of the delegation to educate Mrs. Forehand on the reason for the City's position instead of her favoring Alternative G. She rejects the fourth connection issue. At the same time, Councilman Abrams suggested that the funding issue is not at stake, but many people suggest that is the reason for supporting one or another of the alternatives. Councilman Duncan suggested that the staff obtain a definitive answer from the SHA on the funding position. The Mayor agreed that item should be clarified.

Re: Proclamation:
Education and Chamber
of Commerce Week,
November 14, 1983

Proclamation No. 12-83

There being no objection from the Council, Mayor Freeland proceeded to issue Proclamation No. 12-83, proclaiming the week of November 14, 1983, as Education and Chamber of Commerce Week in Rockville. Councilman Duncan read the proclamation at the request of the Mayor in which it was urged that all citizens take the time to lend their support to the Chamber of Commerce and take pride in the accomplishments of their outstanding neighborhood students. Anthony Bullard of the Chamber of Commerce, accepted the proclamation on behalf of the Chamber. Lisa Taylor of the Chamber of Commerce invited all to the open house at Richard Montgomery on Tuesday. The Mayor and Council applauded the Chamber for its efforts in boosting Richard

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Montgomery and bringing to the attention of the realtors that Richard Montgomery, as a school, is an asset to the community rather than a deterrent.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Lisa Taylor, 904 College Parkway. Ms. Taylor thanked the Mayor and Council for their efforts in securing a "no trucks" sign posted on College Parkway but said the sign really has not helped. The police should monitor this street from 6 to 7 o'clock in the morning and see the number of trucks using it as a cutoff between Rt. 355 and I-270.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. R. Woods, Rockville United Church, re land on Linthicum Street
Councilman Tyner asked that copies of this correspondence be sent to the Twinbrook Civic Association.
2. E. Berberian, re Senior Citizens Commission
3. J. Pettit, re City regulations on slump tests (also Suburban Md Home Builders)
Councilwoman Hovsepian asked if the City Manager has any information on this. The City Manager said a letter of response has been sent to the Suburban Home Builders explaining the situation and a copy will be sent to the Council in their Wednesday brief books. There have been problems throughout the City with concrete.
4. R. Ferrara, re CHRB proposal
Councilwoman Hovsepian asked what the situation is. The City Manager said a more detailed study is being done at the staff level prior to a meeting with the elected officials. The County might have to go out for bids for this service due to their procurement procedures. Mayor Freeland suggested that funds be transferred from the County to the City (or vice versa) to make the arrangement more workable. Then CHRB would not have to be working with two jurisdictions. The City Manager said he does not know if the County has agreed to give the City a supplemental grant but he will check into it. However, the City's ordinance would require the same purchasing procedures as the County's. Mayor Freeland said nevertheless, dealing with one jurisdiction would be easier.
5. German/American Tricentennial, thank you for contribution
6. Marilyn Maslanka, re Project Go
Janet Smith, re Project Go
Councilman Duncan asked what caused these letters. He did not know that the Mayor and Council were thinking of doing away with this program. The City Manager said this happens from time to time. In answer to some of the complaints that the Mayor and Council have received, the City is examining the program and when a program is examined it sometimes causes concern to the users.
7. Councilman Duniho, Laurel, complimenting City employee
8. Letter to Board of Realtors from Chamber of Commerce re RM Open House

9. E. Casey, re assessment appeal
10. Senator Mathias, re late flights at National
11. Keith Rosenberg, re Carter property

Councilman Tyner said this is a very well written letter by Mr. Rosenberg.

12. Richard Zeidman, re water bill
13. B. Barnhill, re Annexation Application, X-87-83

Councilman Duncan asked if this letter was placed in the record. The Clerk responded that it had been.

Re: Public Hearing: Map Amendment Application, M-34-83, Congressional South Associates, Inc., Applicant, requesting that 55,595 square feet in the rear of Congressional South Shopping Center, site of the Roller Rink, be rezoned from the present I-1, (Industrial), to C-2 (Commercial).

The Mayor and Council conducted a public hearing on Map Amendment Application, M-34-83, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the public hearing with the record to be held open for two weeks, until November 28 at 5 p.m., for the submission of additional material.

Re: Award of Contract: Bid No. 29-84 - Water processing system cost reduction study
Sewer

The City's water filtration plant was constructed in 1958 with a capacity of four (4) million gallons per day (MGD). In 1967, it was expanded to eight (8) MGD.

In recent years, technological advances in the efficiency of motors, pumps, treatment processes, and chemicals have resulted in the potential for significant operating costs reductions in newer water and sewage treatment plants. A project was authorized to retain a consultant with expertise in water plant operating cost reduction evaluations.

A consultant selection committee was appointed from various City departments and the project was advertised. The selection committee received and evaluated eight (8) sealed proposals. The firms, their fees and ratings are as follows:

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Firm	Price	Technical Score	Total Score
James M. Montgomery, Consulting Engineers, Inc. Reston, Virginia	\$28,766	37	78
Larsen Engineers, Inc., Silver Spring, Maryland	30,000	37	77
Whitman Requardt & Associates Baltimore, Maryland	24,000	26	76
Arthur Beard Engineers, Inc., Vienna, Virginia	23,949	24	75

The following proposals, listed alphabetically, scored below 75 total points:

Black & Veatch	\$44,715
Dewberry & Davis	39,000
Metcalf & Eddy	95,352
Kidde Consultants, Inc.	76,600
Staff Engineer's Estimate	\$30,000

It is the recommendation of the consultant selection committee that the contract be awarded to James M. Montgomery Consulting Engineers, Inc., in the amount of \$28,766.00. It is further recommended that the Mayor and Council authorize a transfer of \$8,766.00 from the water fund balance to Account 21-24075.

On motion of Councilman Tyner duly seconded and unanimously passed, approval was given to contract with the James M. Montgomery Consulting Engineers, Inc., in the amount of \$28,766.00, transferring \$8,766.00 from the water fund balance to the operating account.

Re: Award of Contract:
Bid No. 30-84 - To
construct parking lot
at Senior Citizen's
Center

Bids were opened Wednesday, October 26, 1983, at 3:30 p.m. in the Boards and Commissions Room of City Hall concerning the construction of the addition to the Woodley Gardens Senior Center parking lot. The funds for the parking lot are included in the appropriation for the Woodley School renovation.

Eight bids were picked up and two bids were received as follows:

F.O. Day Company, Inc., Rockville, Maryland	\$83,212.00
Peak, Inc., Beltsville, Maryland	\$85,533.00
Engineer's Estimate	\$78,805.00

This project provides for the installation of a lighted 58-car parking lot located at the northwest corner of the Senior Center building. Included in the construction is a 20 foot wide access road from the existing turnaround in front and

an 8 foot wide bicycle path from the rear of the parking lot to Gude Drive, opposite Piccard Drive.

The bid is reflective of the current trend of increased prices for construction. the low bidder, F.O. Day Company is well experienced and has previously performed similar work, including the City Hall parking lot, in a satisfactory manner for the City. Staff recommends awarding the contract to the low bidder, F.O. Day Company, Inc., in the amount of \$83,212.00.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 30-84, was awarded to the F.O. Day Company in the amount of \$83,212.00. Councilwoman Hovsepien asked if it is necessary to put in this parking lot for 58 cars. Mr. Olson explained that compliance with the City's zoning ordinance requires 150 spaces and the City, when doing construction, attempts to do the same compliance that citizens must do. It is also an attempt, when there is a large use, to lessen the impact on the neighborhood which has to deal with the overflow. Councilwoman Hovsepien asked if the storm water management has been taken care of. Mr. Olson said yes the City is in compliance and will be making a contribution to the fund.

Re: Award of
Agreement with
Mason/Dixon for
recycling newspapers

The subject agreement is for the purpose of obtaining a company to purchase all newspapers which the City collects for the purpose of recycling. The estimated value to the City is \$42,000/year.

The City has determined that the only source available that meets all of the City's requirements as well as offering the City a fair and reasonable price for the newspapers is Mason-Dixon Newspaper Recycling Center. The City requires a company that is able to handle an unlimited quantity of newspapers, is able to cooperate with the City's Saturday recycling operations of 8:00 a.m. to 5:00 p.m., and is able to process newspapers containing less than 1% of "other" materials. The City has searched the Washington Metropolitan area for companies who can meet all of the above-referenced requirements. The Washington Metropolitan area was chosen because it has been confirmed that companies in the recycling business do not wish to make extensive trips to service a location because fuel costs rapidly outweigh the value of the newspapers.

In addition to the search conducted by the City of Rockville, the City of Alexandria attempted this year to competitively bid the requirement and obtained only one bid from Mason/Dixon.

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It has been confirmed that City of Rockville obtains a price of \$27.50/ton compared to \$22.50/ton obtained by the City of Alexandria.

Based on the above-referenced information, it is recommended that an agreement be made with Mason/Dixon Recycling Corporation for the purchase of City newspapers at the price of \$27.50/ton. This award should be approved by the Mayor and Council in accordance with Chapter 5 of the Laws of Rockville, "Purchasing, Contracts, and Dispositions."

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the staff was authorized to go forward with this agreement.

Re: Request for Waiver of
on-site storm water
management: a)
Partial-Metro
Technological Center,
U-284-83; b) Lot 5,
Block A, 800-802
Hungerford Drive

a) Partial-Metro Technological Center, U-284-83

This 22.103 acre site at the southwest corner of Gude Drive and Route 355 is zoned I-3. Bedford Properties of Lafayette, California, intends to construct one office building now and four more at a later date. The need for substantial on-site SWM on this site was identified years ago during the process of regional SWM planning by the Department of Public Works.

The developer is providing on-site SWM for 19 acres (86% of the required amount) in a pleasingly designed wet pond. Wet ponds represent a bonus because they have been identified by research as one of the better SWM practices. Additional SWM provided on-site would result in a deeper pond which is not acceptable.

Granting the waiver would not worsen the stream condition since substantial on-site SWM is being provided. Any amount of SWM greater than 50% provides an improvement in stream quality and reduces pollution of the City's water resources.

Staff recommends that the City grant a partial waiver of on-site requirements and accept a contribution of \$18,246.00 (3.103 acres @ \$5,800) toward the City's public program subject to concurrence by the Montgomery Soil Conservation District.

On motion of Councilman Tyner, duly seconded and unanimously passed, the on-site requirements were waived and a contribution of \$18,246 accepted.

b) Lot 5, Block A, 800-802 Hungerford Drive

This project at 800-802 Hungerford Drive is a redeveloping site located in the Watts Branch Drainage Area approximately 2,500 feet upstream from the Anderson Park SWM facility. The existing buildings and pavement formerly housed and served the "LaStresa" Restaurant and the "Nautical World" Boat and Marine Supply Dealer.

Because there is an existing drainage system to convey the run-off from this site to where it can be managed and because a contribution can provide more effective and easier to maintain SWM, it would be in the City's best interest to waive the on-site requirements and accept a contribution toward the public SWM program.

Considering the above, the committee recommends that the City waive the on-site requirement and accept a contribution toward the City's off-site SWM program. Such a contribution would be \$21,000 (1.75 acres @ \$12,000) and is subject to concurrence by the Montgomery Soil Conservation District

On motion of Councilman Duncan, duly seconded and unanimously passed, the on-site requirements were waived and a contribution of \$21,000 were accepted. Councilman Tyner asked if the City were approaching capacity on this particular designed facility. Mr. Goodin said this is still adequate.

Re: Adoption of Ordinance: To enact a new Chapter 26, entitled, "Rental Facilities and Landlord/Tenant Relations", regulating and requiring the licensing of rental facilities.

Ordinance No. 38-83

On motion of Councilman Tyner, duly seconded and unanimously passed, the ordinance was amended and additions and deletions made in order to conform to the decisions made by the Council in work session.

Councilwoman Hovsepian asked if the public has the information being added to the ordinance on rooming houses. The Mayor said the public has not been informed of this. Councilwoman Hovsepian read the section on rooming houses for the benefit of those present. She asked how many rooming houses there are in the City. Mr. Radauskas said there are two. Councilwoman Hovsepian asked for more information to come to the Council on rooming houses. The amendments passed unanimously.

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 38-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council regulating and requiring the licensing of rental facilities was adopted by the Mayor and Council as amended.

Re: Resolution: To establish a fee schedule for licensing rental units.

Resolution No. 28-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 28-83, the full text of which can be found in Resolution Book No. 7 of the Mayor

and Council, establishing a fee schedule for the licensing of rental units was adopted by the Mayor and Council.

Councilman Tyner noted that a committee has been working on the staff person placement to administer this ordinance and it may be the position will be combined with the ombudsman position created during budget sessions by the Mayor and Council.

Re: Adoption of Ordinance: To set public hearing date for special assessment project - Brent Road

Ordinance No. 39-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 39-83, the full text of which can be found in Ordinance No. 11 of the Mayor and Council, setting the public hearing date for the special assessment project, Brent Road was adopted by the Mayor and Council.

Re: Introduction of Resolution: To amend the Charter of the City to delete the requirement that funds unexpended and unencumbered at the end of the budget year be included among the anticipated revenues for the next succeeding budget year

On motion of Councilman Abrams, there was introduced upon the table, a resolution amending the Charter of the City to delete the requirement that funds unexpended and unencumbered at the end of the budget year be included among the anticipated revenues for the next succeeding budget year, setting a public hearing date for December 12, 1983.

Re: Introduction of Resolution: To amend the Charter of the City to amend the election provisions by changing the date on which elections are held; by including among the reasons for which a vacancy can occur on the Council, the filing to become a candidate for certain public office; and by providing that vacancies on the Council with remaining terms of one year or greater shall be filled by special City election, with other vacancies to be filled by vote of the Mayor and Council

On motion of Councilman Duncan, there was introduced upon the table, a resolution amending the Charter of the City changing the date on which elections are held; by including among the reasons for which a vacancy can occur on the Council, the filing to become a candidate for certain public office; and by providing that vacancies on the Council with remaining terms of one year or greater shall be filled by special City election, with other vacancies to be filled by vote of the Mayor and Council, setting a public hearing date for Monday, December 12, 1983.

Re: Introduction of Resolution: To amend the Charter of the City so as to change the residency period for candidates prior to running for office; to delete the salary of Mayor and Councilmembers from the Charter and to provide that said salary shall be set by ordinance

On motion of Councilman Duncan, there was introduced upon the table, a resolution amending the Charter of the City changing the residency period for candidates prior to running for office; to delete the salary of Mayor and Councilmembers from the Charter and to provide that said salary shall be set by ordinance, setting a hearing date for Monday, December 12, 1983.

Councilman Tyner noted that these introductions are being done to reflect the concerns of the staff and various citizens but in no way reflect an official city position. A decision will not be made until after the hearings. Mayor Freeland agreed and said that Councilman Tyner's remarks are shared by the members of the Mayor and Council. Those thoughts will be conveyed to Civic Associations explaining to them that the Charter belongs to people and explaining how the Mayor and Council reached this stage of the process. They are now anxious for all organizations to come forth and testify to reflect the voice of the community.

John Rausch, Board of Supervisors of Elections, present in the audience, addressed the Council and said he received the text of the amendments last Saturday and will be testifying at the hearing. However, he wanted to alert the legal department that some provision should be made for a time period for special elections, nominations, procedures, etc. That certainly should be specified.

Councilwoman Hovsepian asked if holding the hearings on December 12 gives the citizens enough time. It was the consensus of the Council that there is enough time.

Re: Introduction of Ordinance: To grant, in part, Street Closing Application, SCA-46-83, Shaffer, Applicant, Bouic Circle

On motion of Councilman Abrams, there was introduced upon the table, an ordinance granting in part, Street Closing Application, SCA-46-83, Shaffer, Applicant, Bouic Circle, said ordinance to lay over at least one week before final action is taken.

Re: Information Items

1. Memo re election of Alternative Community Service Commission Chairman

Councilman Duncan noted that Mr. Puckett, the new Chairman of the Alternative Community Service Commission, present this evening, and congratulated him on his election.

2. Copy of letter to I-270 Corridor Employers group
3. Copy of New Mark Association letter to developer
4. Letters complimenting staff

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5. Copy of citizen complaint
6. Senior Center Newsletter
7. Memo on recognition of Stout/Grasso
Councilwoman Hovsepian said she attended the luncheon and Merle Crock a citizen in the Twinbrook area also received an award.
8. Governor's citation to city employee
Councilwoman Hovsepian congratulated Don Vandrey on the Governor's recognition.
9. Finance Department Project Report
Councilman Tyner suggested that the department not push or rush the payroll conversion until after January 1.
10. Community Resources Project Report
11. Memo from City Attorney re defense of City Employee
12. Letter to City Manager re Fitzgerald Theatre Bill - MC419-84 & testimony
Councilman Tyner commended the staff on the synopsis paper and said an excellent job was done and he is quite pleased with the testimony and he will be happy to give it.
13. PTI Newsletter
Councilwoman Hovsepian said she read the article and congratulated Mr. Blick and the staff.
14. Memo re Coldspring Extension
Councilwoman Hovsepian said Councilman Abrams said the community had discussed this. Councilman Abrams said the State delegation feels the City should be doing this project. The state is reluctant to do this. More work needs to be done.
15. Project Track Reports
Councilman Tyner asked if materials would be given to the Mayor and Council prior to the work session on assessment policies so there would be a good opportunity to look it over and he also would like to see what assesement policy is carried out by all the neighboring jurisdictions
16. Memo from City Attorney re RSI, Inc.
17. Memo re Fleet Street assessment suit

Re: New Business

1. Councilman Abrams asked if the City Manager could explain the rationale behind the leaf collection policies since it does not seem to be working. Mr. Blick explained it is based on the average fall over the years. All different schedules have been tried and this particular one seems to be the most fitting.
2. Councilman Abrams asked the City's policy on the relocation of fire hydrants. The City Manager explained that movement is usually decided on a case by case basis depending on the circumstances. The City will pay if the cost is reasonable but if not, the City has to look for public benefit to justify the payment.

3. Councilman Duncan asked that the staff contact Delegate Boergers and others to discuss the ramp removal.

4. Councilman Duncan noted that the Vietnam Memorial is in Mr. Blick's office. Thought should be given to the American Legion having it updated or installing a new one. The City Manager explained that the memorial was in the Rec. Services building and it is inaccurate and not up to date. Mr. Rausch, present in the audience, said the memorial was put together by an ad hoc committee of citizens and it was never kept up to date. Mayor Freeland asked if he thought any veteran organization would consider updating it. Mr. Rausch said there is no accurate way to do that at this time. Mayor Freeland asked that Mr. Rausch give the staff some guidance on how this would be best handled. Mr. Rausch said he would report back to the Council after the Legion Post discusses it.

5. Councilman Duncan said three of City's high school teams are involved now in State championships and arrangements should be made to have the team members at a December meeting.

6. Councilwoman Hovsepian asked if the Mayor and Council would like to act upon the Charter information given this evening by the City Attorney. The City Attorney explained that was given to the Council for discussion in executive session.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 33-83, were approved as corrected.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 34-83, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 35-83, were approved as corrected.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed the meeting was closed for executive session to discuss litigation, personnel, and property disposition.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 12:50 a.m. to convene again on Monday, November 21, 1983, at 7:00 p.m. in executive session and 8:00 p.m. in general session, or at the call of the Mayor.